

REMARKS

Claims 1-4 are pending in the present application.

Objection to the Drawings

The Examiner has previously objected to the drawings in the present application. By a Supplementary Amendment, the Applicants will soon be submitting replacement drawings to address the objection.

Objection to the Specification

In the Office Action of July 11, 2003, the Examiner objected to the Specification because of minor informalities. In a telephone call which the Examiner graciously afforded Applicants' Representative on December 5, 2003, the Examiner agreed to withdraw the objection to the specification.

Rejection under 35 U.S.C. §103

The Examiner has rejected claims 1-4 under 35 U.S.C. §103 as being obvious in view of the combination of McClure, Jr., U.S. Patent No. 4,365,547 ("McClure") and Eguchi, Japanese Patent Publication No. 40-2070406A ("Japan '406"). Applicants have summarized the construction and the inventive concept of the present invention on page 6 of the amendment filed on February 27, 2003. The teachings of McClure and Eguchi are summarized on pages 6-7 in the amendment filed on February 27, 2003.

In the Advisory Action mailed November 4, 2003, the Examiner asserts that the only distinction between the present claims and McClure is that McClure fails to recite a control parameter (i.e., the temperature of the heating medium) to regulate the heating medium. Nonetheless, the Examiner asserts that Japan '406 teaches the use of the Applicant's exact control parameter, and accordingly that the present claims would be obvious in view of McClure and Japan' 406

Applicants respectfully disagree with this analysis. Specifically, Applicants note that Japan' 406 does not teach the exact same control parameter. The Japan '406 reference makes a comparison between the inflow heat medium and outflow heat medium

and adjusts the flow control valves in order to adjust the heating medium in the direction that conforms the heating medium temperature to that of the cavity.

By contrast, the present claims specify that the apparatus has means for detecting the temperature of the heating fluids as it exits the platens; and means for responding to the detected temperature for heating the fluid supplied to the platens. This is an entirely process mechanism, and one the Japan '406 reference does not teach.

In addition, in the Amendments filed on February 27, 2003, and October 23, 2003, Applicants have addressed the issues of whether the Japan '406 reference upon which the Examiner has relied is analogous prior art to the presently claimed subject matter; and whether one of ordinary skill in the art would have a reasonable expectation that McClure could be successfully combined with Japan '406 in the manner suggested by the Examiner. Because Applicants believe that these issues are directly material to the patentability of the presently claimed subject matter, they respectfully direct the Examiner's attention thereto, where these arguments are set forth in detail.

Furthermore, with respect specifically to claim 3, this claim specifies that the heating fluid used in the apparatus for producing wood composite boards is selected from heated natural gas, supersaturated steam, and heated oil. Neither Japan '406 nor McClure disclose the use of heated natural gas, supersaturated steam, and heated oil as a heating fluid. The Examiner nonetheless maintains that the subject matter of claim 3 is not patentable because:

With regard to the heating fluid is a superheated steam, [McClure] discloses heating fluid is steam. However, it is not inventive to discover the optimum or workable ranges by routine experimentation when general conditions are disclosed in the prior art. *In re Aller*,...15 U.S.P.Q. 233 (C.C.P.A. 1955). [McClure] sets forth the general condition of the temperature of the steam and thus it would have been obvious to one having ordinary skill in the art the time the invention was made to discover the optimum or workable ranges for the temperature of the steam to heat the heating medium to a desired temperature. (Office Action of October 28, 2002, Pages 3-4).

Applicants respectfully disagree with the Examiner's analysis. Specifically, the Examiner has not made the necessary factual findings to support the use of *Aller*. In *Aller*,

the Examiner identified a known relationship in the prior art between certain processing parameters and the process efficiency, and the Examiner showed that this known relationship demonstrated that the claims on appeal merely reflected the results of expected optimization of the parameters. (105 U.S.P.Q. at 234-35). In the present case, the Examiner has made no such showing. In fact, rather than make any such showings, it appears that the Examiner merely recites the holding of the *Aller* case, without applying its holding to the facts of the present application, and asserts that the elements of claim 3 that are not specifically taught by McClure could be obtained by a person of ordinary skill in the art through routine optimization.

Indeed, the Examiner has not identified any relationship in McClure or the prior art that is optimizable. The Examiner does write that such optimization could be performed in order to "discover the optimum or workable ranges for the temperature of the steam to heat the heating medium to a desired temperature". But this assertion is difficult to understand, because the Examiner speaks of using steam to heat the heating medium, when in fact the steam is the heating medium.

Therefore, based on the above remarks, the Examiner has failed to establish that claims 1-4 are obvious in view of McClure and Japan '406. Reconsideration and withdrawal of the rejections of claims 1-4 are respectfully requested.

CONCLUSION

Reconsideration and withdrawal of the objection and rejection of the claims in view of the remarks provided herein and allowance of the claims being prosecuted are respectfully requested.

Respectfully submitted,

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